

REMARKS

This is a full and timely response to the objection and 112 rejections presented for the first time in the outstanding final Office Action mailed November 24, 2009. Applicant has filed a Notice of Appeal on March 25, 2010, yet has not filed an Appeal Brief as of the filing date of this response. Amendments to claims 1, 63, 65, 67, and 68 have been submitted for consideration, and entry of the same is earnestly solicited, to address/remedy the objection and 112 rejections and hence place the claims in better condition for appeal, consistent with the suggestions made for claim amendments in the final Office Action.

According to MPEP 1206, amendments after filing of a Notice of Appeal but prior to the submission of an Appeal Brief may be considered as follows:

The entry of an amendment (which may not include a new affidavit, declaration, exhibit or other evidence) submitted in an application on appeal is governed by 37 CFR 41.33, not 37 CFR 1.116.

Amendments filed after the filing of a notice of appeal, but prior to the date of filing a brief, may be admitted only to:

- (A) cancel claims;
- (B) comply with any requirement of form expressly set forth in a previous action;
- (C) present rejected claims in better form for consideration on appeal; or
- (D) amend the specification or claims upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented. See 37 CFR 41.33(a).

On pages 7-9 of the final Office Action (dated November 24, 2009), an objection was raised against claim 1, and rejections under 35 U.S.C. §112(2) were levied against claims 58, 63, 65, and 68. Under the objection to claim 1 (page 7), the final Office Action notes (emphasis in original) that "a second video stream" in lines 10-11 "should be 'a second compressed video stream,' therefore, the examiner will examine that claimed feature under this interpretation." Applicant has amended claim 1 according to this requirement of form to place the case in better

condition for appeal, the objection first raised in the final Office Action and hence not presented earlier. Accordingly, Applicant respectfully submits that entry of this amendment renders the objection moot, and hence respectfully requests entry of the amendment and withdrawal of the objection.

With regard to the rejections against claims 58, 63, 65, and 68, the final Office Action (page 9, emphasis in original) notes that the **“examiner notes that claims 63, 65 and 68 could depend from claim 62 in order to alleviate some but not necessarily all of the antecedence problems listed above.”** Applicant has amended claims 63, 65, and 68 according to this requirement of form (among other minor clarifying amendments noted above and below) to place the case in better condition for appeal, the rejection first raised in the final Office Action and hence not presented earlier. As to each individual rejection per claims (pages 7-9), Applicant addresses each as follows:

8(a): claim 58 – as to the alleged lack of antecedent basis for “the portion,” Applicant notes that claim 58 depends from claim 1, which includes “a portion” in the transcoding feature. Accordingly, Applicant respectfully submits that the rejection is in error, and respectfully requests that the rejection be withdrawn.

8(b): claim 63 – as to the lack of antecedent basis for “the transport stream,” Applicant has amended claim 63 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for “the transport stream.” Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

8(c): claim 63 - as to the alleged lack of antecedent basis for “the compressed pictures,” Applicant notes that the plural digitized pictures of claim 23 are compressed by the encoder, and hence there is inherently support for “the compressed pictures” in claim 63. Nevertheless,

Applicant has amended claim 63 to further clarify that the plural digitized pictures are those which are referred to by this term, and hence the rejection has been rendered moot. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

8(d): claim 63 - as to the lack of antecedent basis for "the compressed second plural digitized," Applicant has amended claim 63 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the compressed second plural digitized." Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

8(e): claim 63 - as to the lack of antecedent basis for "the second format," Applicant has amended claim 63 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the second format." Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

8(f): claim 63 - as to the lack of antecedent basis for "the first format," Applicant has amended claim 63 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the first format." Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

9(a): claim 65 - as to the lack of antecedent basis for "the first and second formats," Applicant has amended claim 65 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the first and second formats." Also, since "third format" was used earlier in another claim, Applicant has replaced "third" with "fourth" (in claim 65 and dependent claim 67) to avoid confusion. Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

9(b): claim 65 - as to the alleged lack of antecedent basis for "the transcoded portion," Applicant notes that since the video stream has been decompressed and then compressed, one having ordinary skill in the art would recognize that the video stream has been transcoded. Nevertheless, to further clarify the identity of the intended subject of the transcoded portion, Applicant has amended claim 65 to describe the nature of the transcoded portion. Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

10(a): claim 68 - as to the lack of antecedent basis for "the transport stream," Applicant has amended claim 68 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the transport stream." Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

10(b): claim 68 - as to the lack of antecedent basis for "the multiplexer," Applicant has amended claim 68 to depend from claim 62 as suggested in the final Office Action (page 9), claim 62 comprising sufficient antecedent basis for "the multiplexer." Accordingly, since the rejection is rendered moot, Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and the aforementioned claim amendments entered. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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